

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



TONETTE STATON,

Plaintiff,

v.

ACTION NO. 2:13cv572

CAROLYN W. COLVIN,
Acting Commissioner of the
Social Security Administration,

Defendant.

FINAL ORDER

Plaintiff Tonette Staton brought this action pro se under 42 U.S.C. § 405(g) and 42 U.S.C. § 1383(c)(3), seeking judicial review of the final decision of the Acting Commissioner of Social Security denying her applications for Disability Insurance Benefits and Supplemental Security Income pursuant to Sections 205(g) and 1631(c)(3) of the Social Security Act.

This matter was referred to a United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. §§ 636(b)(1)(B) and (C) and Rule 72(b) of the Federal Rules of Civil Procedure, as well as Rule 72 of the Local Rules of the United States District Court for the Eastern District of Virginia, for a report and recommendation. The Report and Recommendation of the Magistrate Judge was filed on January 7, 2015, recommending that Defendant's Motion to Dismiss for Lack of

Prosecution (ECF No. 13) be DISMISSED as moot, Plaintiff's Motion for Summary Judgment (ECF No. 18) be DENIED, Defendant's Motion for Summary Judgment (ECF No. 20) be GRANTED, and the final decision of the Commissioner be AFFIRMED. The Report and Recommendation further stated that the additional evidence submitted is not new, is not material, and was not from the relevant time period. This Court therefore recommended that Plaintiff's requested remand for further consideration be DENIED. By copy of the Report and Recommendation, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. No objections were filed by either party.

Having reviewed the record, and finding no error, the Court hereby ADOPTS the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed on January 7, 2015, and the decision of the Commissioner is AFFIRMED, Defendant's Motion for Summary Judgment (ECF No. 20) is GRANTED, Plaintiff's Motion for Summary Judgment (ECF No. 18) is DENIED, and this case is DISMISSED.

Plaintiff is ADVISED that she may appeal from this Final Order by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. Said written notice must be received by the Clerk within sixty (60) days from the date of this Final Order.

The Clerk shall forward a copy of this Final Order to Plaintiff
and to counsel of record for Defendant.

/s/ 

Mark S. Davis
United States District Judge

Norfolk, Virginia

February 6, 2015